

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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EDNILSON GONZALEZ,

Plaintiff,

ADOPTION ORDER
15-cv-6037 (ADS) (AYS)

-against-

ERBA INC., AND BAKKI AKKAYA
Defendant(s).

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**FILED
CLERK**

4:13 pm, Sep 15, 2017

APPEARANCES:

**U.S. DISTRICT COURT
EASTERN DISTRICT OF NEW YORK
LONG ISLAND OFFICE**

Famighetti & Weinick, PLLC

Attorneys for the Plaintiff

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Attorney for the Defendant ERBA Inc.

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By: Bruce P. Vetri, Esq., Of Counsel

NO APPEARANCES:

Bakki Akkaya

The Defendant

SPATT, District Judge:

On October 21, 2015, the Plaintiff Ednilson Gonzalez (the “Plaintiff”) commenced this case under the Fair Labor Standards Act (“FLSA”), 29 U.S.C. § 201 *et seq.*, and the New York Labor Law (“NYLL”) against the Defendants ERBA Inc., and Bakki Akkaya (collectively, the “Defendants”), seeking to recover back wages, together with liquidated damages, attorneys’ fees, and costs. On February 19, 2016, the Defendant ERBA Inc. answered the initial complaint. On September 27, 2016, the Plaintiff filed an amended complaint.

On December 7, 2016, the Clerk of the Court noted the default of the Defendants. On January 19, 2017, the Plaintiff moved for a default judgment against the Defendants. To date, the Defendants have not answered the amended complaint. The Defendant Bakki Akkaya has not appeared in this action.

On January 24, 2017, the Court referred the Plaintiff's motion for default judgment to United States Magistrate Judge Anne Y. Shields for a recommendation as to whether the motion for a default judgment should be granted, and if so, (1) the relief to be granted; (2) whether damages should be awarded, including reasonable attorney's fees and costs; and (3) whether any other relief should be granted.

On August 30, 2017, Judge Shields issued a Report and Recommendation (the "R&R"), recommending that the Court: grant the Plaintiff's motion for default judgment; strike the Defendants' answers; award the Plaintiff \$30,380 in damages, and \$12,370 in attorneys' fees and costs as against the Defendants jointly and severally.

The Plaintiff filed proof of service on August 31, 2017.

It has been more than fourteen days since the service of the R&R, and the parties have not filed objections.

As such, pursuant to 28 U.S.C. § 636(b) and Federal Rule of Civil Procedure 72, this Court has reviewed the R&R for clear error, and finding none, now concurs in both its reasoning and its result. See Coburn v. P.N. Fin., No. 13-CV-1006 (ADS) (SIL), 2015 WL 520346, at *1 (E.D.N.Y. Feb. 9, 2015) (reviewing Report and Recommendation without objections for clear error).

Accordingly, the R&R is adopted in its entirety. The Clerk of the Court is respectfully directed to close the case, and enter judgment in favor of the Plaintiff in accordance with the R&R.

SO ORDERED.

Dated: Central Islip, New York
September 15, 2017

/s/ Arthur D. Spatt
ARTHUR D. SPATT
United States District Judge